

CHAPTER 1339
Swimming Pools, Spas and Hot Tubs

1339.01	Definitions.
1339.02	Permit and authorization required; exceptions.
1339.03	Compliance required.
1339.04	Enclosures.
1339.05	Location.
1339.06	Compliance with zoning district regulations.
1339.07	Swimming prohibitions.
1339.08	Decks, concrete aprons.
1339.09	Electrical grounds.
1339.10	Structural safety.
1339.11	Off-street parking and loading requirements.
1339.99	Penalty.

~~Swimming pools—see OAC Ch. 3701.31~~

1339.01 DEFINITIONS.

In addition to the definitions in Section 1325.02, the follow definitions are to be used in this chapter.

~~(a) “Approved water supply” means water supply approved by the Health Commissioner.~~

~~(b)(a)~~ “Commercial swimming pool” means a public swimming pool, with an approved water supply, which is located on land not publicly owned and operated on a commercial basis or primarily for private gain.

~~(c) “Health Commissioner” means the health authority having jurisdiction over swimming pools in the City of Powell or his authorized representatives.~~

~~(d)(b)~~ “Person” means any person, firm, corporation, association, organization or institution.

~~(e)(c)~~ “Private swimming pool” means a swimming pool used only by the owner of the pool and friends as an additional accessory use at a private residence.

~~(f)(d)~~ “Private wading pool” means a wading pool used only by the owner of the pool and friends.

~~(g) “Prohibited pools” means all bodies of water and watereourses, where bathing and wading are prohibited.~~

~~(h)(e)~~ “Public swimming pool” means any swimming pool other than a private swimming pool, provided with an approved water supply, public or semipublic in character.

~~(i)(f)~~ “Public wading pool” means any other pool.

~~(j) “Swimming pool” means a natural or artificially constructed area, either permanent or portable, filled or capable of being filled with water to a depth of thirty or more inches at any point therein and used, or designated to be used, for swimming or recreational bathing.~~

~~(k)(g)~~ “Wading pool” means a natural or artificially constructed area, either permanent or portable, filled or capable of being filled with water at any point therein to a depth of

more than twelve inches and less than ~~twenty-four~~^{thirty} inches and used, or designated to be used for wading, swimming or other aquatic recreation.

1339.02 PERMIT AND AUTHORIZATION REQUIRED; EXCEPTIONS.

- (a) No person shall locate, construct or install any swimming pool or wading pool or make any change in such pools or appurtenances thereof, unless and until such person has submitted an application and plans therefore, and has secured a permit and authorization from the ~~Building Commissioner~~^{Chief Building Official}.
- (b) No person shall use, operate, repair or maintain any swimming pool or pool except as authorized by the ~~Building Commissioner~~^{Chief Building Official}.
- (c) Private wading pools that are portable or of temporary construction are exempted from the requirement of a building permit.

1339.03 COMPLIANCE REQUIRED.

No person shall locate, construct, use, operate, repair or maintain any swimming pool or wading pool except in compliance with:

- (a) The provisions of this chapter;
- (b) The Building Code and other ordinances, standards, rules and regulations enforced by the Building Inspector;
- (c) The standards, rules and regulations of the ~~Health Commissioner~~^{Delaware General Health District}; and
- (d) For public pools, the standards, rules and regulations of the State Board of Health governing public swimming pools.

1339.04 ENCLOSURES.

- (a) No person shall locate, construct, install, make, change, maintain or use a private swimming pool or private wading pool unless the pool or the premises which is located is enclosed by a ~~fence not less than sixty inches in height, measured from the ground level, so constructed and of such strength that children under the age of seven years are unable to pass through. Any entrance or exit gate in such fence shall be equipped with a spring latching type lock or catch and shall automatically close by spring action to the locked or latched position or shall be equipped with a lock requiring a key or the working of a combination to open and be kept securely locked at all times. In addition to the fencing requirement, above ground pools shall have a railing completely around the deck that surrounds the pool which meets OSHA requirements~~ barrier as prescribed in Appendix G, Swimming Pools, Spas and Hot Tubs of the 2009 ICC International Residential Code, as amended as set forth in Section 1339.11 below.
- (b) Commercial and Public pools shall be the enclosed standards set by the Health Commissioner; except, however, the standards set for private pools shall be taken as minimum standards for commercial and public pools.

1339.05 LOCATION.

No swimming or wading pool shall be located in any front yard or on any lot or between any street and any required building line. A swimming pool may be located in part of the rear yard behind a residence as an additional authorized accessory use.

1339.06 COMPLIANCE WITH ZONING DISTRICT REGULATIONS.

No swimming pool and no wading pool shall be located, constructed, installed, used, operated or maintained except in compliance with the provisions and regulations for each zoning district and the off-street parking requirements of this chapter. Commercial pools shall be restricted to commercial and industrial districts.

1339.07 SWIMMING PROHIBITIONS.

Any body of water not complying with the conditions of Section 1337.02 and 1337.03 shall not be used for swimming or wading pools and swimming and wading therein shall be prohibited, unless and until the same have been approved by the ~~Building Commissioner~~ Chief Building Official as to any structural work and by the health authority.

~~1339.08 DECKS, CONCRETE APRONS.~~

~~—All swimming pools shall have wooden or concrete decks or aprons at least four feet wide.~~

1339.089 ELECTRICAL GROUNDS.

All electrical equipment shall ~~be enclosed and circuits shall be electrically grounded. General ground rods shall extend a minimum of thirty six inches in the undistributed soil, and have no more than 25 ohms resistance to ground. All joints embedded in concrete shall be brazed or welded and tested for continuancy prior to being embedded~~ comply with the requirements of the current adopted edition of NFPA 70 (National Electric Code).

1339.0910 STRUCTURAL SAFETY.

No swimming pool and no wading pool shall be located, constructed or used unless and until the plans therefore have been approved, and the construction of the same has been approved by the ~~Building Commissioner~~ Chief Building Official as to structural safety.

1339.101 OFF-STREET PARKING AND LOADING REQUIREMENTS.

Provisions shall be made for access, and off-street parking and loading facilities, as required by the Zoning Code.

1339.11 ADOPTION.

(a) In addition to the requirements set forth in this Chapter, Appendix G, Swimming Pools, Spas and Hot Tubs, of the ICC International Residential Code, 2009 Edition, with the changes noted in (b) shall apply and be in force in the City of Powell.

(b) Appendix G is hereby modified as follows:

(1) The first sentence of AG105.2 “Outdoor swimming pool” item 1 is modified to read: “The top of the barrier shall be 60 inches (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool.

(c) If there is any conflict between this Chapter and Appendix G, this Chapter shall control.

1339.99 PENALTY.

See Section 1325.99 for general Building Code Penalty.